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EXAMINER

BELL, MELTIN

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/932,371	MAZZONE, THOMAS	
	Examiner	Art Unit	
	Meltin Bell	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This action is responsive to application **09/932,371** filed 8/17/01 as well as the Amendment Submitted/Entered with Filing of Request for Continued Examination (RCE) filed 12/6/04. Claims 1-52 filed by the applicant have been entered and examined. An action on the merits of claims 1-52 appears below.

#### *Priority*

Applicant's claims for domestic priority against application numbers 60/226,401 filed **8/18/00** and 60/279,870 filed 3/29/01 under 35 U.S.C. 119(e) are acknowledged.

#### ***Claim Rejections - 35 USC §103(a)***

Applicant's arguments have been considered but are moot in view of new grounds of rejection necessitated by new issue(s) raised in applicant's amendment. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-16, 19-23, 28-31, 34-41 and 44-48 are rejected under 35 U.S.C. 103(a) as obvious over *Feinberg* USPN 6,082,776 "Storing personal medical information" (Issued July 4, 2000, Filed May 7, 1997) in view of *Newton et al* USPN

5,771,291 "User identification and authentication system using ultra long identification keys and ultra large databases of identification keys for secure remote terminal access to a host computer" (June 23, 1998) and in further view of *Jacobson* USPN 6,488,205 "System and method for processing data on an information card" (Filed Dec. 3, 1999).

**Regarding claim 1:**

*Feinberg* teaches,

- a database of health information descriptions, each description relating to a patient and an associated pair, the associated pair comprising an associated access code, which is associated with the patient, and an associated password, which is associated with a non-patient user of the system (Fig. 2, item 100; Fig. 6; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")
- a first computer programmed to provide a prospective pair, the prospective pair comprising a prospective access code and a prospective password, the prospective password being associated with a user of the system (Fig. 2, item 54; Fig. 11B, item 530; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")
- a second computer, in communication with the database and with the first computer, the second computer being programmed to determine whether a prospective pair

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corresponds to one of the associated pairs, and if the prospective pair is determined to correspond to one of the associated pairs, then the second computer provides the description that corresponds to the prospective pair (Fig. 3, items 86, 88; Fig. 5, items 52, 54; Fig. 6; Figs. 11A-B; column 7, lines 15-44, "The translator program...the card code"; column 21, lines 7-11, "The bitstream is ... protection, as well")

However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective pair is determined to correspond to one of the associated pairs or a computer readable memory on a portable card, the memory having stored therein a prospective access code, which is associated with a patient while *Newton et al* teaches,

- providing description(s) if the prospective pair is determined to correspond to one of the associated pairs (Fig. 1; column 2, lines 46-56, "The initial step ... encryption key codes")

*Jacobson* teaches,

- a computer readable memory on a portable card (column 4, lines 32-48, "The present invention ... of information media")

Motivation – The portions of the claimed system would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ...to be readily employed") and eliminating data input errors (*Jacobson*, column 2, lines 11-30, "Thus, there is a ... information card management systems").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al* and *Jacobson* for the purpose of improving security as well as eliminating data input errors.

**Regarding claim 2:**

The rejection of claim 2 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 2's limitations difference is taught in *Feinberg*:

- the first computer is programmed to provide a change to one of the descriptions (column 6, lines 50-67, "FIG. 2, is a... sends instruc-"; column 7, lines 1-14, "tions to control a... personal medical information")

**Regarding claim 3:**

The rejection of claim 3 is similar to that for claim 2 as recited above since the stated limitations of the claim are set forth in the references. Claim 3's limitations difference is taught in *Feinberg*:

- the second computer is programmed to receive the change to the one of the descriptions (column 7, lines 3-31), and then modify the database to reflect the change (column 11, lines 26-39)

**Regarding claim 4:**

The rejection of claim 4 is similar to that for claim 3 as recited above since the stated limitations of the claim are set forth in the references. Claim 4's limitations difference is taught in *Feinberg*:

- the second computer is programmed to record who made the change to one of the descriptions (column 5, lines 49-67, "The card 10... reminders encoded and"; column 6, lines 1-8, "visible on the... medical services provider")

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**Regarding claim 5:**

The rejection of claim 5 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 8:**

The rejection of claim 8 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 9:**

The rejection of claim 9 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 10:**

The rejection of claim 10 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 11:**

The rejection of claim 11 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 12:**

The rejection of claim 12 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 13:**

*Feinberg* teaches,

- providing a computer database of health information descriptions, each description relating to a patient and an associated pair, the each associated pair comprising an

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associated access code, which is associated with the patient, and an associated password, which is associated with a non-patient user of the system (Fig. 2, item 100; Fig. 6; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")

- receiving a prospective pair, the prospective pair comprising a prospective access code, which is associated with a patient, and a prospective password, which is associated with a user of the system (Fig. 2, item 54; Fig. 11B, item 530; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")

- determining whether the prospective pair corresponds to one of the associated pairs; if the prospective pair is determined to correspond to one of the associated pairs, then providing the description that corresponds to the prospective pair (Fig. 3, items 86, 88; Fig. 6; Figs. 11A-B; column 4, lines 26-37, "the invention features...to the caller"; column 21, lines 7-11, "The bitstream is ... protection, as well")

However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective pair is determined to correspond to one of the associated pairs or receiving a prospective pair, the prospective pair comprising a prospective access code, which is associated with a patient and provided by a computer readable memory on a portable



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card, and a prospective password, which is associated with a user of the system while *Newton et al* teaches,

- providing description(s) if the prospective pair is determined to correspond to one of the associated pairs (Fig. 1; column 2, lines 46-56, "The initial step... encryption key codes")

*Jacobson* teaches,

- a computer readable memory on a portable card (column 4, lines 32-48, "The present invention ... of information media")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ... to be readily employed") and eliminating data input errors (*Jacobson*, column 2, lines 11-30, "Thus, there is a ... information card management systems").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al* and *Jacobson* for the purpose of improving security as well as eliminating data input errors.

**Regarding claim 14:**

The rejection of claim 14 is the same as that for claim 13 as recited above since the stated limitations of the claim are set forth in the references. Claim 14's limitations difference is taught in *Feinberg*:

- receiving a change to the provided description, and modifying the database according to the change (column 6, lines 50-67, "FIG. 2, is a... sends instruc-"; column 7, lines 1-14, "tions to control a... personal medical information")

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**Regarding claim 15:**

The rejection of claim 15 is the same as that for claim 14 as recited above since the stated limitations of the claim are set forth in the references. Claim 15's limitations difference is taught in *Feinberg*:

- recording who made the change to the provided description (column 5, lines 49-67, "The card 10...reminders encoded and"; column 6, lines 1-8, "visible on the...medical services provider")

**Regarding claim 16:**

The rejection of claim 16 is the same as that for claim 13 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 19:**

The rejection of claim 19 is the same as that for claim 13 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 20:**

The rejection of claim 20 is the same as that for claim 13 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 21:**

The rejection of claim 21 is the same as that for claim 13 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 22:**

The rejection of claim 22 is the same as that for claim 13 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 23:**

The rejection of claim 23 is the same as that for claim 13 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 28:**

*Feinberg* teaches,

- a database of health information descriptions, each description relating to a patient and an associated access code (Fig. 2, item 100; Fig. 6; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")
- a card having thereon a first computer programmed to require entry of a password prior to providing a prospective access code, wherein acceptable passwords correspond to non-patient users of the system (Fig. 2, item 10; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 6-12, "The computer system ... of the data"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 20, lines 63-67, "The ADMIN area...no.; geographic area"; column 21, lines 1-11, "date card 10...protection, as well")
- a second computer, in communication with the data base and with the first computer, the second computer being programmed to determine whether of the associated the prospective access code corresponds to one access codes, and if the prospective access code is determined to correspond to one of the associated access codes, then

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the second computer provides the description that corresponds to the prospective access code (Fig. 3, items 86, 88; Fig. 5, items 52, 54; Fig. 6; Figs. 11A-B; column 7, lines 15-44, "The translator program...the card code"; column 21, lines 7-11, "The bitstream is ... protection, as well")

However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective access code is determined to correspond to one of the associated access codes or the card is a portable card while *Newton et al* teaches,

- providing description(s) if the prospective access code is determined to correspond to one of the associated access codes (Fig. 1; column 2, lines 46-56, "The initial step... encryption key codes").

*Jacobson* teaches,

- the card is a portable card (column 4, lines 32-48, "The present invention ... of information media")

Motivation – The portions of the claimed system would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ... to be readily employed") and eliminating data input errors (*Jacobson*, column 2, lines 11-30, "Thus, there is a ... information card management systems").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al* and *Jacobson* for the purpose of improving security as well as eliminating data input errors.

**Regarding claim 29:**

The rejection of claim 29 is the same as that for claim 28 as recited above since the stated limitations of the claim are set forth in the references. Claim 29's limitations difference is taught in *Feinberg*:

- the first computer is programmed to provide a change to one of the descriptions (column 6, lines 50-67, "FIG. 2, is a...sends instruc-"; column 7, lines 1-14, "tions to control a...personal medical information")

**Regarding claim 30:**

The rejection of claim 30 is the same as that for claim 29 as recited above since the stated limitations of the claim are set forth in the references. Claim 30's limitations difference is taught in *Feinberg*:

- the second computer is programmed to receive the change to one of the descriptions, and then modify the database to reflect the change (Fig. 5, item 52; column 7, lines 15-44, "The translator program...the card code")

**Regarding claim 31:**

The rejection of claim 31 is the same as that for claim 30 as recited above since the stated limitations of the claim are set forth in the references. Claim 31's limitations difference is taught in *Feinberg*:

- the second computer is programmed to record who made the change to the one of the descriptions (column 5, lines 49-67, "The card 10...reminders encoded and"; column 6, lines 1-8, "visible on the...medical services provider")

**Regarding claim 34:**

The rejection of claim 34 is the same as that for claim 28 as recited above since the stated limitations of the claim are set forth in the references. Claim 34's limitations difference is taught in *Feinberg*:

- one of the associated access codes is issued to one of the patients, and the description corresponding to the one of the patients is related to the one of the associated access codes (column 2, lines 50-56, "Special cards, usually...remote computer databases")

**Regarding claim 35:**

The rejection of claim 35 is the same as that for claim 28 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 36:**

The rejection of claim 36 is similar to that for claim 28 as recited above since the stated limitations of the claim are set forth in the reference(s). Claim 36's limitations difference is taught in *Feinberg*:

- one of the associated access codes is issued to a health care provider, and the one of the associated access codes is related to a plurality of descriptions (Figs. 2, 6, 11A-B; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5")

*Newton et al*:

- the one of the associated access codes is related to a plurality of descriptions (Fig. 1; column 2, lines 35-51, "The initial step...or base computer")

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**Regarding claim 37:**

The rejection of claim 37 is the same as that for claim 28 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 38:**

*Feinberg* further teaches,

- the second computer is programmed to cause a message to be sent to a user of the system, the user being related to the provided description (column 4, lines 26-37, "the invention features...to the caller")

**Regarding claim 39:**

*Feinberg* teaches,

- providing a database of health information descriptions, each description relating to a patient and an associated access code, wherein the associated access code corresponds to the patient (Fig. 2, item 100; Fig. 6; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")
- providing a card capable of providing a prospective access code (Fig. 2, item 10; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 6-12, "The computer system ... of the data"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 20, lines 63-67, "The ADMIN area...no.; geographic area"; column 21, lines 1-11, "date card 10...protection, as well")

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- providing a password (Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 20, lines 63-67, "The ADMIN area...no.; geographic area"; column 21, lines 1-11, "date card 10...protection, as well")
  - determining whether the password is among a group of acceptable passwords, at least one of the passwords being associated with an entity other than the patient (Fig. 3, items 86, 88; Figs. 11A-B; column 4, lines 26-37, "the invention features...to the caller"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5")
  - providing the prospective access code (Fig. 11B, item 530; column 21, lines 7-11, "The bitstream is ... protection, as well")
  - determining whether the prospective access code corresponds to one of the associated access codes (Figs. 11A-B, items 510, 512, 516, 518; column 21, lines 7-11, "The bitstream is ... protection, as well")
  - if the prospective access code is determined to correspond to one of the associated access codes, then providing the description that corresponds to the prospective access code (Fig. 3, items 86, 88; Fig. 6; Figs. 11A-B; column 4, lines 26-37, "the invention features...to the caller"; column 21, lines 7-11, "The bitstream is ... protection, as well")
- However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective access code is determined to correspond to one of the associated access codes or the card is portable having thereon a computer readable memory while *Newton et al* teaches,



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- providing description(s) if the prospective access code is determined to correspond to one of the associated access codes (Fig. 1; column 2, lines 46-56, "The initial step... encryption key codes").

*Jacobson* teaches,

- the card is portable having thereon a computer readable memory (column 4, lines 32-48, "The present invention ... of information media")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ... to be readily employed") and eliminating data input errors (*Jacobson*, column 2, lines 11-30, "Thus, there is a ... information card management systems").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al* and *Jacobson* for the purpose of improving security as well as eliminating data input errors.

**Regarding claim 40:**

The rejection of claim 40 is similar to that for claim 39 as recited above since the stated limitations of the claim are set forth in the reference(s). Claim 40's limitations difference is taught in *Feinberg*:

- receiving a change to the provided description, and modifying the database according to the change (column 6, lines 50-67, "FIG. 2, is a... sends instruc-"; column 7, lines 1-14, "tions to control a... personal medical information")

**Regarding claim 41:**

The rejection of claim 41 is similar to that for claim 40 as recited above since the stated limitations of the claim are set forth in the reference(s). Claim 41's limitations difference is taught in *Feinberg*:

- recording who made the change to the provided description (column 5, lines 49-67, "The card 10...reminders encoded and"; column 6, lines 1-8, "visible on the...medical services provider")

**Regarding claim 44:**

The rejection of claim 44 is similar to that for claim 39 as recited above since the stated limitations of the claim are set forth in the reference(s). Claim 44's limitations difference is taught in *Feinberg*:

- issuing one of the associated access codes to one of the patients, and relating the one of the associated access codes with only the description relating to the one of the patients (column 2, lines 50-56, "Special cards, usually...remote computer databases")

**Regarding claim 45:**

The rejection of claim 45 is the same as that for claim 39 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 46:**

The rejection of claim 46 is the same as that for claim 39 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 47:**

The rejection of claim 47 is the same as that for claim 39 as recited above since the stated limitations of the claim are set forth in the references.

**Regarding claim 48:**

The rejection of claim 48 is similar to that for claim 39 as recited above since the stated limitations of the claim are set forth in the reference(s). Claim 48's limitations difference is taught in *Feinberg*:

- providing a message to a user related to an associated access code when the description is provided (column 4, lines 26-37, "the invention features...to the caller")

Claims 24-27 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Feinberg* in view of *Newton et al.*

**Regarding claim 24:**

*Feinberg* teaches,

- a computer readable program code module to determine whether a prospective pair is among a group of associated pairs, each associated pair having (a) an access code which is associated with a patient corresponding to the medical information, and (b) a password associated with a non-patient user of the system (Fig. 2, item 58; Fig. 5, item 52; Figs. 11A-B; column 7, lines 15-44, "The translator program...the card code"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")

- a computer readable program code module to provide medical information corresponding to the prospective pair, if the prospective pair is among the group of associated pairs (Fig. 2, items 11, 38, 58; Fig. 3, items 86, 88; Fig. 6; Figs. 11A-B; column 7, lines 15-19, "The translator program ... or the patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")

However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective pair is among the group of associated pairs while *Newton et al* teaches,

- providing description(s) if the prospective pair is among the group of associated pairs (Fig. 1; column 2, lines 46-56, "The initial step... encryption key codes").

Motivation – The portions of the claimed article of manufacture would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ... to be readily employed"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al* for the purpose of improving security.

**Regarding claim 25:**

The rejection of claim 25 is similar to that for claim 24 as recited above since the stated limitations of the claim are set forth in the references. Claim 25's limitations difference is taught in *Feinberg*:

- a computer readable program code module to instruct a computer to change the provided medical information (column 6, lines 50-67, "FIG. 2, is a... sends instruc-"; column 7, lines 1-14, "tions to control a... personal medical information")

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**Regarding claim 26:**

The rejection of claim 26 is similar to that for claim 25 as recited above since the stated limitations of the claim are set forth in the references. Claim 26's limitations difference is taught in *Feinberg*:

- a compute readable program code module to instruct a computer to record who made the change to the provided medical information (column 5, lines 49-67, "The card 10...reminders encoded and"; column 6, lines 1-8, "visible on the...medical services provider")

**Regarding claim 27:**

The rejection of claim 27 is similar to that for claim 24 as recited above since the stated limitations of the claim are set forth in the references. Claim 27's limitations difference is taught in *Feinberg*:

- a computer readable program code module to instruct a computer to provide a message to a user related to an associated pair when the description is provided (column 4, lines 26-37, "the invention features...to the caller")

**Regarding claim 49:**

*Feinberg* teaches,

- a computer readable program code module to determine whether a prospective access code is among a group of associated access codes, and whether a prospective password is among a group of associated passwords, wherein at least one of the associated access codes corresponds to the patient, and wherein the associated password corresponds to an entity that is not the patient (Fig. 2, item 58; Fig. 5, item 52;

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Figs. 11A-B; column 7, lines 15-44, "The translator program...the card code"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")

- a computer readable program code module to provide medical information corresponding to the prospective access code and the prospective password, if the prospective access code is among the group of associated access codes and the prospective password is among the group of associated passwords (Fig. 2, items 11, 38, 58; Fig. 3, items 86, 88; Fig. 6; Figs. 11A-B; column 7, lines 15-19, "The translator program ... or the patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well"; column 21, lines 7-11, "The bitstream is ... protection, as well")

However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective access code is among the group of associated access codes and the prospective password is among the group of associated passwords while *Newton et al* teaches,

- providing description(s) if the prospective access code is among the group of associated access codes and the prospective password is among the group of associated passwords (Fig. 1; column 2, lines 46-56, "The initial step... encryption key codes").

Motivation – The portions of the claimed article of manufacture would have been a highly desirable feature in this art for

- Improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ...to be readily employed")

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al* for the purpose of improving security.

**Regarding claim 50:**

The rejection of claim 50 is similar to that for claim 49 as recited above since the stated limitations of the claim are set forth in the references. Claim 50's limitations difference is taught in *Feinberg*:

- a computer readable program code module to instruct a computer to change the provided medical information (column 6, lines 50-67, "FIG. 2, is a... sends instruc-"; column 7, lines 1-14, "tions to control a...personal medical information")

**Regarding claim 51:**

The rejection of claim 51 is similar to that for claim 50 as recited above since the stated limitations of the claim are set forth in the references. Claim 51's limitations difference is taught in *Feinberg*:

- a computer readable program code module to instruct a computer to record who made the change to the provided medical information (column 5, lines 49-67, "The card 10...reminders encoded and"; column 6, lines 1-8, "visible on the...medical services provider")

**Regarding claim 52:**

The rejection of claim 52 is similar to that for claim 28 as recited above since the stated limitations of the claim are set forth in the reference(s). Claim 52's limitations difference is taught in *Feinberg*:

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- a computer readable program code module to instruct a computer to provide a message to a user related to an associated access code when the description is provided to someone other than the user (Figs. 2, 6; column 7, lines 47-59, "The medical services ... that describe patient 5")

*Newton et al*:

- a computer readable program code module to instruct a computer to provide a message to a user related to an associated access code (Fig. 1)

Claims 6-7, 17-18, 32-33 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Feinberg* in view of *Newton et al* in view of *Jacobson* and in further view of *Corcoran et al* "Smart Cards and Biometrics: Your Key to PK1" (March 1999).

**Regarding claim 6:**

*Feinberg* teaches,

- a database of health information descriptions, each description relating to a patient and an associated pair, the associated pair comprising an associated access code, which is associated with the patient, and an associated password, which is associated with a non-patient user of the system (Fig. 2, item 100; Fig. 6; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")



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- a first computer programmed to provide a prospective pair, the prospective pair comprising a prospective access code and a prospective password, the prospective password being associated with a user of the system (Fig. 2, item 54; Fig. 11B, item 530; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")

- a second computer, in communication with the database and with the first computer, the second computer being programmed to determine whether a prospective pair corresponds to one of the associated pairs, and if the prospective pair is determined to correspond to one of the associated pairs, then the second computer provides the description that corresponds to the prospective pair (Fig. 3, items 86, 88; Fig. 5, items 52, 54; Fig. 6; Figs. 11A-B; column 7, lines 15-44, "The translator program...the card code"; column 21, lines 7-11, "The bitstream is ... protection, as well")

However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective pair is determined to correspond to one of the associated pairs, a computer readable memory on a portable card, the memory having stored therein a prospective access code, which is associated with a patient or fingerprint passwords while *Newton et al* teaches,

- providing description(s) if the prospective pair is determined to correspond to one of the associated pairs (Fig. 1; column 2, lines 46-56, "The initial step ... encryption key codes")

*Jacobson* teaches,

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- a computer readable memory on a portable card (column 4, lines 32-48, "The present invention ... of information media")

*Corcoran et al* teaches,

- the prospective password is a fingerprint (page 4, sentences 2-3, "Newer biometric measurements...is the fingerprint")

Motivation – The portions of the claimed system would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ...to be readily employed"), eliminating data input errors (*Jacobson*, column 2, lines 11-30, "Thus, there is a ... information card management systems") and developing secure applications/communications (*Corcoran et al*, page 7, Conclusion section, sentence 1, "Integrating smart cards...applications and communications"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al*, *Jacobson* and *Corcoran et al* for the purpose of improving security as well as eliminating data input errors and developing secure applications/communications.

**Regarding claim 7:**

The rejection of claim 7 is similar to that for claims 1 and 6 as recited above since the stated limitations of the claim are set forth in the references. Claim 7's limitations difference is taught in *Corcoran et al*:

- the prospective password is a retinal scan (page 4, sentences 2-3, "Newer biometric measurements...is the fingerprint")

**Regarding claim 17:**

*Feinberg* teaches,

- providing a computer database of health information descriptions, each description relating to a patient and an associated pair, the each associated pair comprising an associated access code, which is associated with the patient, and an associated password, which is associated with a non-patient user of the system (Fig. 2, item 100; Fig. 6; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")
- receiving a prospective pair, the prospective pair comprising a prospective access code, which is associated with a patient, and a prospective password, which is associated with a user of the system (Fig. 2, item 54; Fig. 11B, item 530; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")
- determining whether the prospective pair corresponds to one of the associated pairs; if the prospective pair is determined to correspond to one of the associated pairs, then providing the description that corresponds to the prospective pair (Fig. 3, items 86, 88; Fig. 6; Figs. 11A-B; column 4, lines 26-37, "the invention features...to the caller"; column 21, lines 7-11, "The bitstream is ... protection, as well")

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However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective pair is determined to correspond to one of the associated pairs, receiving a prospective pair, the prospective pair comprising a prospective access code, which is associated with a patient and provided by a computer readable memory on a portable card, and a prospective password, which is associated with a user of the system or fingerprint passwords while *Newton et al* teaches,

- providing description(s) if the prospective pair is determined to correspond to one of the associated pairs (Fig. 1; column 2, lines 46-56, "The initial step... encryption key codes")

*Jacobson* teaches,

- a computer readable memory on a portable card (column 4, lines 32-48, "The present invention ... of information media")

*Corcoran et al* teaches,

- reading a fingerprint having thereon a pattern corresponding to the prospective password (page 4, sentences 2-3, "Newer biometric measurements...is the fingerprint")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ...to be readily employed"), eliminating data input errors (*Jacobson*, column 2, lines 11-30, "Thus, there is a ... information card management systems") and developing secure applications/communications (*Corcoran et al*, page 7, Conclusion section, sentence 1, "Integrating smart cards...applications and communications").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made, to modify *Feinberg* as taught by *Newton et al*, *Jacobson* and *Corcoran et al* for the purpose of improving security as well as eliminating data input errors and developing secure applications/communications.

**Regarding claim 18:**

The rejection of claim 18 is similar to that for claims 13 and 17 as recited above since the stated limitations of the claim are set forth in the references. Claim 18's limitations difference is taught in *Corcoran et al*:

- reading a retina having thereon a pattern corresponding to the prospective password (page 4, sentences 2-3, "Newer biometric measurements...is the fingerprint")

**Regarding claim 32:**

*Feinberg* teaches,

- a database of health information descriptions, each description relating to a patient and an associated access code (Fig. 2, item 100; Fig. 6; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")
- a card having thereon a first computer programmed to require entry of a password prior to providing a prospective access code, wherein acceptable passwords correspond to non-patient users of the system (Fig. 2, item 10; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 6-12, "The computer system ... of the data"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that

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describe patient 5"; column 20, lines 63-67, "The ADMIN area...no.; geographic area"; column 21, lines 1-11, "date card 10...protection, as well")

- a second computer, in communication with the data base and with the first computer, the second computer being programmed to determine whether of the associated the prospective access code corresponds to one access codes, and if the prospective access code is determined to correspond to one of the associated access codes, then the second computer provides the description that corresponds to the prospective access code (Fig. 3, items 86, 88; Fig. 5, items 52, 54; Fig. 6; Figs. 11A-B; column 7, lines 15-44, "The translator program...the card code"; column 21, lines 7-11, "The bitstream is ... protection, as well")

However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective access code is determined to correspond to one of the associated access codes, the card is a portable card or fingerprint passwords while *Newton et al* teaches,

- providing description(s) if the prospective access code is determined to correspond to one of the associated access codes (Fig. 1; column 2, lines 46-56, "The initial step... encryption key codes").

*Jacobson* teaches,

- the card is a portable card (column 4, lines 32-48, "The present invention ... of information media")

*Corcoran et al* teaches,

- the prospective password is a fingerprint (page 4, sentences 2-3, "Newer biometric measurements...is the fingerprint")

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Motivation – The portions of the claimed system would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, “the new and improved ...to be readily employed”), eliminating data input errors (*Jacobson*, column 2, lines 11-30, “Thus, there is a ... information card management systems”) and developing secure applications/communications (*Corcoran et al*, page 7, Conclusion section, sentence 1, “Integrating smart cards...applications and communications”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al*, *Jacobson* and *Corcoran et al* for the purpose of improving security as well as eliminating data input errors and developing secure applications/communications.

**Regarding claim 33:**

The rejection of claim 33 is similar to that for claims 28 and 32 as recited above since the stated limitations of the claim are set forth in the references. Claim 33's limitations difference is taught in *Corcoran et al*:

- the prospective password is a retina (page 4, sentences 2-3, “Newer biometric measurements...is the fingerprint”)

**Regarding claim 42:**

*Feinberg* teaches,

- providing a database of health information descriptions, each description relating to a patient and an associated access code, wherein the associated access code corresponds to the patient (Fig. 2, item 100; Fig. 6; Fig. 11B, item 530; column 2, lines 50-56, “Special cards, usually...remote computer databases”; column 7, lines 15-19,

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"The translator program ... or the patient 5"; column 21, lines 7-11, "The bitstream is ... protection, as well")

- providing a card capable of providing a prospective access code (Fig. 2, item 10; Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 7, lines 6-12, "The computer system ... of the data"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 20, lines 63-67, "The ADMIN area...no.; geographic area"; column 21, lines 1-11, "date card 10...protection, as well")

- providing a password (Fig. 11B, item 530; column 2, lines 50-56, "Special cards, usually...remote computer databases"; column 20, lines 63-67, "The ADMIN area...no.; geographic area"; column 21, lines 1-11, "date card 10...protection, as well")

- determining whether the password is among a group of acceptable passwords, at least one of the passwords being associated with an entity other than the patient (Fig. 3, items 86, 88; Figs. 11A-B; column 4, lines 26-37, "the invention features...to the caller"; column 7, lines 15-19, "The translator program ... or the patient 5"; column 7, lines 47-59, "The medical services ... that describe patient 5")

- providing the prospective access code (Fig. 11B, item 530; column 21, lines 7-11, "The bitstream is ... protection, as well")

- determining whether the prospective access code corresponds to one of the associated access codes (Figs. 11A-B, items 510, 512, 516, 518; column 21, lines 7-11, "The bitstream is ... protection, as well")

- if the prospective access code is determined to correspond to one of the associated access codes, then providing the description that corresponds to the prospective access



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code (Fig. 3, items 86, 88; Fig. 6; Figs. 11A-B; column 4, lines 26-37, "the invention features...to the caller"; column 21, lines 7-11, "The bitstream is ... protection, as well")

However, *Feinberg* doesn't explicitly teach providing description(s) if the prospective access code is determined to correspond to one of the associated access codes, the card is portable having thereon a computer readable memory or fingerprint passwords while *Newton et al* teaches,

- providing description(s) if the prospective access code is determined to correspond to one of the associated access codes (Fig. 1; column 2, lines 46-56, "The initial step... encryption key codes").

*Jacobson* teaches,

- the card is portable having thereon a computer readable memory (column 4, lines 32-48, "The present invention ... of information media")

*Corcoran et al* teaches,

- providing a password includes providing a fingerprint having thereon a pattern corresponding to the password (page 4, sentences 2-3, "Newer biometric measurements... is the fingerprint")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ...to be readily employed"), eliminating data input errors (*Jacobson*, column 2, lines 11-30, "Thus, there is a ... information card management systems") and developing secure applications/communications (*Corcoran et al*, page 7, Conclusion section, sentence 1, "Integrating smart cards... applications and communications").

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Feinberg* as taught by *Newton et al*, *Jacobson* and *Corcoran et al* for the purpose of improving security as well as eliminating data input errors and developing secure applications/communications.

**Regarding claim 43:**

The rejection of claim 43 is similar to that for claims 39 and 42 as recited above since the stated limitations of the claim are set forth in the references. Claim 43's limitations difference is taught in *Corcoran et al*:

*Corcoran et al* teaches,

- providing a password includes providing a retina having thereon a pattern corresponding to the password (page 4, sentences 2-3, "Newer biometric measurements ... is the fingerprint")

**RESPONSE TO APPLICANTS' AMENDMENT REMARKS**

***Drawings***

The examiner notes that substitute, proposed substitute or replacement sheets for Figs. 2-3 have not been received for addressing the objection in the Office Action mailed 8/4/04: missing No branch and item numbers. The applicant may request that formal drawings be delayed until allowable subject matter is indicated.

***Response to Examiner's Interview Summary***

Applicant argues that there are significant and patentable differences between *Feinberg* USPN 6,082,776 and the present invention (Amendment REMARKS page 19, paragraph 2 and page 20, paragraph 1). Applicant's arguments have been fully considered, but are not persuasive where *Newton et al* USPN 5,771,291, *Jacobson* USPN 6,488,205 and *Corcoran et al* "Smart Cards and Biometrics: Your Key to PK1" have been applied to meet those differences.

***Claim Rejections - 35 USC § 101***

Applicant argues that claim 13 is directed to statutory subject matter (Amendment REMARKS page 18, paragraph 5). Applicant's amendment to claim 13 has been fully considered and is persuasive. The 35 USC 101 rejection of claim 13 is withdrawn.

***Claim Rejections - 35 USC § 103***

Applicant argues that *Feinberg* USPN 6,082,776 does not disclose or suggest the password is associated with a non-patient user of the system in claims 1, 13, 24 and 28 or the computer readable memory on a portable card of claims 1, 13 and 39 (Amendment REMARKS page 19, paragraph 1). Applicant's arguments have been fully considered, but are moot in view of new grounds of rejection necessitated by new issue(s) raised in applicant's amendment. *Jacobson* meets the computer readable memory on a portable card limitation of claims 1, 13 and 39 in column 4, lines 32-48

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while column 21, lines 7-11 of *Feinberg* meets the non-patient user of the system limitation of claims 1, 13, 24 and 28. Further, the purposes and motivations for modifying *Feinberg* by and in combination with other references include improving security (*Newton et al*, column 2, lines 35-46, "the new and improved ... to be readily employed"), eliminating data input errors (*Jacobson*, column 2, lines 11-30, "Thus, there is a ... information card management systems") and developing secure applications and communications (*Corcoran et al*, page 7, Conclusion section, sentence 1, "Integrating smart cards... applications and communications").

As set forth above with regards to *Feinberg*, *Newton et al*, *Jacobson* and *Corcoran et al*, the items listed explicitly and inherently teach each element of the applicants' claimed limitations. Applicants have not set forth any distinction or offered any dispute between the claims of the subject application, *Feinberg's* Storing personal medical information, *Newton et al's* User identification and authentication system using ultra long identification keys and ultra large databases of identification keys for secure remote terminal access to a host computer, *Jacobson's* System and method for processing data on an information card and *Corcoran et al's* Smart Cards and Biometrics: Your Key to PK1.

**Conclusion**

The prior art made of record is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Office should be directed to Melvin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:00 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB/ *MB*  
January 25, 2005

  
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